No. 06-2144

FILED

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

SEP 1 1 2006

LEONARD GREEN, Clerk

06-12773

OPERATION KING'S DREAM, et al.,)
)
    Plaintiffs-Appellants,)
)
v.)   O R D E R
)
WARD CONNERLY, et al.,)
)
    Defendants-Appellees.)
)
)

F I L E D

SEP 1 3 2006

CLERK'S OFFICE
DETROIT

Before: NORRIS, COLE, and COOK, Circuit Judges.

The plaintiffs appeal the dismissal of their action under the Voting Rights Act seeking to enjoin the placement of an anti-affirmative action initiative on the ballot in the State of Michigan for the November 2006 general election. The plaintiffs now seek an order enjoining the placement of the initiative on the ballot for the November election until it has been determined whether the Voting Rights Act was violated in obtaining the signatures in support of the petition to place the initiative on the ballot. The defendants oppose the motion for an injunction.

To obtain an injunction pending appeal, the plaintiffs must demonstrate a likelihood of success on the merits, irreparable harm, lack of harm to others, and that the public interest supports the issuance of injunctive relief. *See Overstreet v. Lexington-Fayette Urban County Gov't*, 305 F.3d 566, 572-73 (6th Cir. 2002); *Michigan Coalition of Radioactive Material Users, Inc. v. Griepentrog*, 945 F.2d 150 (6th Cir. 1991). The plaintiffs have failed to demonstrate sufficient likelihood of success on the merits of their claims of violations of the Voting Rights Act to support the issuance of an injunction pending appeal.

No. 06-2144

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Therefore, the motion for an injunction pending appeal is **DENIED**.

ENTERED BY ORDER OF THE COURT

_____
Clerk

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
100 EAST FIFTH STREET, ROOM 540
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

GREEN
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Filed: September 11, 2006
via fax

George B. Washington

Michael E. Rosman

Heather S. Meingast

    RE: 06-2144
       Operation Kings vs. Connerly
       District Court No. 06-12773

Dear Counsel:

    Enclosed is a copy of an order which was entered today in the above-styled case.

                        Very truly yours,
                        Leonard Green, Clerk

                        Bryant L. Crutcher
                        Case Manager

Enclosure

cc:
    Honorable Arthur J. Tarnow
    Mr. David J. Weaver